

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRANCISCO E. ESCAMILLA,

Plaintiff,

v.

BELIN, et al.,

Defendants.


Case No. 2:21-cv-00077-KJD-VCF

ORDER

Plaintiff's Complaint (#4) was filed on July 22, 2021, asserting a First Amendment retaliation claim against Defendants Michael Belin ("Belin") and Correctional Officer Rowley. On August 16, 2021, the Court entered a screening order and imposed a ninety (90) day stay to allow Plaintiff and Defendants an opportunity to settle their dispute. (#7). Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant ninety (90) days after the filing of the complaint. On December 17, 2021, Magistrate Judge Ferenbach lifted the stay and ordered that service must be perfected no later than March 17, 2022. (#13). On January 16, 2022, service was accepted on behalf of Michael Belin, but not on behalf of Rowley, as there were a number of Correctional Officers with the last name of Rowley working at the prison on the day of the alleged incident. (#14). As of today, Plaintiff has not filed proof that Defendant Rowley was effectively served within the time allotted by the Federal Rules of Civil Procedure. Therefore, the action against Defendant Rowley is dismissed without prejudice.

IT IS SO ORDERED.

DATED this 31st day of August 2023.



Kent J. Dawson
United States District Judge